

2001 No. 2294

FOOD, ENGLAND

**The Sweeteners in Food (Amendment) (England)
Regulations 2001**

<i>Made - - - - -</i>	<i>21st June 2001</i>
<i>Laid before Parliament</i>	<i>29th June 2001</i>
<i>Coming into force - -</i>	<i>27th July 2001</i>

The Secretary of State, in exercise of the powers conferred on him by sections 16(1)(a) and (e), 17(1), 26(1) and (3) and 48(1) of, and paragraph 1 of Schedule 1 to, the Food Safety Act 1990(a), and of all other powers enabling him in that behalf, having regard, in accordance with section 48(4A) of that Act, to relevant advice given by the Food Standards Agency, and after consultation in accordance with section 48(4) and (4B) of that Act, makes the following Regulations:

Title, commencement, extent and interpretation

1.—(1) These Regulations may be cited as the Sweeteners in Food (Amendment) (England) Regulations 2001, shall come into force on 27th July 2001 and shall extend to England only.

(2) In these Regulations “the principal Regulations” means the Sweeteners in Food Regulations 1995(b).

Amendment of the Sweeteners in Food Regulations 1995

2. The principal Regulations shall be amended, insofar as they extend to England, in accordance with regulation 3.

3. In paragraph (1) of regulation 2 (interpretation), in the definition of “Directive 95/31/EC” there shall be added at the end the words “and by Directive 2000/51/EC insofar as it relates to E965(ii) syrup maltitol”(c).

Consequential amendments

4.—(1) Insofar as any provision specified in paragraph (2) of regulation 3 (consequential provision) of the Sweeteners in Food (Amendment) Regulations 1999(d) extends to England, paragraph (1) of that regulation shall cease to have effect in relation to such provision.

(a) 1990 c. 16. Functions formerly exercisable by “the Ministers” are now exercisable, in relation to England, by the Secretary of State pursuant to paragraph 8 of Schedule 5 to the Food Standards Act 1999 (1999 c. 28) functions formerly exercisable by “the Ministers”, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) as read with section 40(3) of the 1999 Act; those functions, so far as exercisable in relation to Scotland, were transferred to “the Scottish Ministers” by section 53 of the Scotland Act 1998 (1998 c. 46) as read with section 40(2) of the 1999 Act. Section 17(1) was amended by paragraph 12(a), and section 48 by paragraph 21, of Schedule 5 to the 1999 Act. Regulation 13(4) of S.I. 2000/656 expressly authorises the Secretary of State to amend existing Regulations made by the Minister of Agriculture, Fisheries and Food (whether with others or not) under the Food Safety Act 1990.

(b) S.I. 1995/3123, amended by S.I. 1996/1477, S.I. 1997/814 and S.I. 1999/982.

(c) The reference for Directive 2000/51/EC is OJ No. L198, 4.8.2000, p.41.

(d) S.I. 1999/982.

(2) In the provisions specified in paragraph (3), insofar as they extend to England, references to the principal Regulations shall be construed as references to those Regulations as amended up to and including the amendment effected by these Regulations.

(3) The provisions are—

- (a) the definition of “permitted sweetener” in paragraph (1) of regulation 2 (interpretation) of the Jam and Similar Products Regulations 1981**(a)**;
- (b) the definition of “additive” in paragraph (1) of regulation 2 (interpretation) of the Meat Products and Spreadable Fish Products Regulations 1984**(b)**;
- (c) the definition of “sweetener” in Part II of Schedule 1 (categories of food additives) to the Food Additives Labelling Regulations 1992**(c)**;
- (d) the definition of “sweetener” in paragraph (1) of regulation 2 (interpretation) of the Miscellaneous Food Additives Regulations 1995**(d)**; and
- (e) in the Food Labelling Regulations 1996**(e)**—
 - (i) paragraph (1) of regulation 34 (foods containing sweeteners, added sugar and sweeteners, aspartame or polyols); and
 - (ii) in Schedule 8 (misleading descriptions) Part I (general), the condition in column 2 opposite the description “ice cream” in column 1.

Signed by authority of the Secretary of State for Health

Yvette Cooper
Parliamentary Under-Secretary of State for Public Health,
Department of Health

21st June 2001

(a) S.I. 1981/1063; the relevant amending instruments are S.I. 1983/1211 and S.I. 1995/3123.
(b) S.I. 1984/1566; the relevant amending instruments are S.I. 1995/3123, S.I. 1995/3124 and S.I. 1995/3187.
(c) S.I. 1992/1978, the relevant amending instrument is S.I. 1995/3123.
(d) S.I. 1995/3187 to which there is an amendment not relevant to these Regulations.
(e) S.I. 1996/1499 to which there are amendments not relevant to these Regulations.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which extend to England only, further amend the Sweeteners in Food Regulations 1995, which extend to Great Britain, by bringing up to date a reference to Directive 95/31/EC on specific purity criteria so as to cover its amendment by Directive 2000/51/EC insofar as that Directive substituted new specifications for maltitol syrup and by bringing up to date references to the 1995 Regulations in other Regulations.

No regulatory impact assessment has been prepared in relation to these Regulations.

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